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10/081,014**D. REMARKS***Interview Summary*

On September 22, 2005, Applicants' representative conducted an interview with Examiner Hector Agdeppa. Applicants' representative and the Examiner discussed the prior art of Koko et al. (US Patent Publication 2002/0080950) (hereinafter Koko), Bala (US Patent 6,798,876) and Unger et al. (US Patent 6,650,736).

First, Applicants proposed an amendment to claim 1 to distinguish claim 1 from Koko. In particular, Applicants proposed an amendment to claim 1 that included the following element: "detecting, at a context rating service accessible via a packet switching network communicatively connected via a secure gateway to a call supported within a trusted telephone network, an identity of a first party to said call, an identification of a device that performed an authentication of said identity of said first party, a type of each device communicatively connected in said call, a location of each device communicatively connected in said call, and a subject for said call." The Examiner stated that Koko does not teach the proposed amendment element of "an identification of a device that performed an authentication of said identity of said first party." Applicants' representative requested that the Examiner evaluate whether the Examiner would reject the element of "a context rating service accessible via a packet switching network communicatively connected via a secure gateway to a call supported within a trusted telephone network" as obvious in view of Koko's teaching of a VoIP call. The Examiner stated that additional search and consideration would be required to determine if there would be motivation for a peripheral service to be obvious in view of Koko's teaching of a VoIP call. In conclusion, with respect to claim 1, the only agreement reached is that Koko does not teach the proposed amendment element of "an identification of a device that performed an authentication of said identity of said first party". Applicants are filing this response with amendments to the claims for further reconsideration and allowance of the claims by the Examiner.

Second, Applicants proposed an amendment to claim 12 to distinguish claim 12 from Koko and Bala. In particular, Applicants proposed an amendment to claim 12 that included the following element: "accessing, at said context rating service, at least one previous rating of said
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first party from at least one context rating database from among a plurality of context rating databases accessible via said packet switching network.” The Examiner noted that Koko, P. 4, paragraphs 0045 and 0046 and P. 6, paragraphs 0067 and 0068 suggest compiling a record. Applicants noted that the proposed amendment includes not only accessing the previous rating but also accessing the previous rating from at least one context rating database from among a plurality of context rating databases via the packet switching network.” In conclusion, no agreement was reached with respect to claim 12. Applicants are filing this response with amendments to the claims for further reconsideration and allowance of the claims by the Examiner.

Claims Status

Claims 1-10, 12-37, 40-42, and 45-47 are pending in the application. Claims 11, 38, 39, 43, and 44 are canceled. Claims 1, 3, 5-7, 13, 15, 17-19, 23, 27-30, 32, 33, 35-37, 42, and 47 are amended.

Specification

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

35 USC § 112

The Examiner rejects claims 37 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. [Office Action, p. 2] In particular, in the rejection, the Examiner states:

Claim 37 receives the limitation “said call.” There is insufficient antecedent basis for this limitation in the claim assuming the “call” in the phrase “call party identification” is used to modify the party. [Office Action, p. 2]

Applicants amendment claim 37 so that the first reference to “call” is amended to “a call” and not “said call”. In view of the amendment, Applicants respectfully assert

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that there is sufficient antecedent basis for the limitation in the claim and request removal of the rejection under 35 USC § 112.

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Lack of Anticipation

1. Claims 1, 5-7, 9, 10, 13, 17-19, 21-23, 27-30, 33, 36, 37, 40-42, and 45-47

Claims 1, 5-7, 9, 10, 13, 17-19, 21-23, 27-30, 33, 36, 37, 40-42, and 45-47 stand rejected under 35 U.S.C. §102(e) as being anticipated by Koko et al. (US Patent Publication 2002/0080950) (hereafter referred to as Koko). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoeckma*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because Koko no longer teaches each and every element of claims 1, 5-7, 9, 10, 13, 17-19, 21-23, 27-30, 33, 36, 37, 40-42, and 45-47 or enables each and every element of these claims, these claims are not anticipated, the rejection should be withdrawn, and the claims should be allowed.

Claims 1, 9, 10, 13, 21-23

In the rejection of claims 1, 9, 10, 13, and 21-23, the Examiner states:

Koko et al. teaches a method and system for monitoring service transactions in a variety of environments and communication systems, wherein a second party to a call is requested to rank a first party to a call and that rating is stored in association with the first party. It is inherent that the identity of the first party is detected because no client recording which could include prior client interactions could be kept unless the client's identity is determined at least at the beginning of each interaction, call etc. (Abstract, Fig. 1, P. 1 ¶0005 – P.2, ¶0017, P. 2, ¶0024 – P. 3, ¶ 0039, P. 4, ¶ 0045-0046, 0052, P. 5, ¶0061-0063).

Note that Koko et al. teaches that both a client and agent can rate each other so either can read on the claimed first or second parties. Note also that in such environments such as telemarketing situations, call centers, etc., a client can call into a call center or can make a call to an agent requesting some service or information, i.e. callee, and an agent can make an outbound call to a client or potential client hoping to gain business, i.e. caller. Finally, system 100 of Koko et al. as seen in Fig. 1 and described on P. 1, ¶0014 – P. 2, ¶0029 indicates that computers, processors, and like elements are used. Because for any computer, programs are required to operate the computers, processors, etc., it is inherent that

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recording mediums are present and used as claimed wherein the recording medium is any memory upon which the recorded means or program is stored.
[Office Action, pp. 3-4]

Claims 1, 13, and 23

Regardless of whether the Examiner's assertions are correct, Applicants have amended claims 1, 13, and 23 to distinguish the invention from Koko and therefore traverse the amended elements in view of Koko. Applicants respectfully assert that Koko does not teach, expressly or inherently, or enable the invention of amended claims 1, 13, and 23 because Koko does not teach or enable at least one of the elements of amended claims 1, 13, and 23.

Independent method claim 1, which is representative of independent system claim 13 and independent computer program product claim 23, with regard to similarly recited subject matter and rejection, reads as follows:

1. (Currently Amended) A method for rating a party to a call comprising:
detecting, at a context rating service accessible via a packet switching network communicatively connected via a secure gateway to a call supported within a trusted telephone network, an identity of a first party to [[a]] said call with an identification of a device that performed a voice authentication of said identity of said first party and a context of said call;
requesting a second party to said call to rate said first party to said call and said context of said call through a communication from said context rating service to said second party;
responsive to receiving at said context rating service said rating entered by said second party, selecting at least one relevant context rating database for a type of said rating from among a plurality of context rating databases each for storing a separate selection of types of ratings and each accessible to one of said context rating service and a plurality of separate context rating services accessible across said packet switching network; and
storing said rating by said second party, said identification of said device that performed said voice authentication of said identity of said first party, and said context of said call in association with said identity of said first party to said call in said at least one relevant context rating database.

As to the amended element of detecting, at a context rating service accessible via a packet switching network communicatively connected via a secure gateway to a call supported within a trusted telephone network, an identity of a first party to said call with an identification of a device that performed a voice authentication of said identity of said first party and a context

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of said call, the specification supports the amended element throughout. As to the context rating service accessible via a packet switching network communicatively connected via a secure gateway to a call supported within a trusted telephone network, the specification supports the amendment in particular in Figures 1, 2, and 3, and at paragraphs 0031, 0041, 0056, 0068, 0086, 0097, 0098. As to the identity of a first party to the call with an identification of the device that performed the voice authentication of the identity of the first party and a context of the call, the specification supports the amendment in particular in Figure 10 and at paragraphs 0065, 0069, 0089, 0097-0109.

As to the amended elements of requesting a second party to said call to rate said first party to said call and said context of said call through a communication from said context rating service to said second party; responsive to receiving at said context rating service said rating entered by said second party, selecting at least one relevant context rating database for a type of said rating from among a plurality of context rating databases each for storing a separate selection of types of ratings and each accessible to one of said context rating service and a plurality of separate context rating services accessible across said packet switching network; and storing said rating by said second party, said identification of said device that performed said voice authentication of said identity of said first party, and said context of said call in association with said identity of said first party to said call in said at least one relevant context rating database, the specification supports the amended elements throughout, and in particular, at Figures 8 and 10 paragraphs 0173-0176 and 0188-0189.

Koko does not teach or enable detecting, at a context rating service accessible via a packet switching network communicatively connected via a secure gateway to a call supported within a trusted telephone network, an identity of a first party to said call with an identification of a device that performed a voice authentication of said identity of said first party and a context of said call

Applicants respectfully assert that Koko does not teach or enable detecting, at a context rating service accessible via a packet switching network communicatively connected via a secure gateway to a call supported within a trusted telephone network, an identity of a first party to said call with an identification of a device that performed a voice authentication of said identity of
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said first party because Koko does not teach or enable detecting an identification of a device that performed an authentication of the identity of the first party to the call. In particular, during the Interview, as previously described, the Examiner stated that Koko does not teach or enable the element of detecting “an identification of a device that performed an authentication of said identity of said first party.” Applicants explained during the interview that including an identifier for the device that performed the authentication with the identity, described as part of a VID throughout the specification, allows each service receiving the identity of the first party to then perform a service based on the identity in reliance upon the device that performed the authentication, which is particularly advantageous where the service is located outside the trusted telephone network processing the call. In addition, Applicants note that while Koko, Figure 2, block 210 states “identify client”, paragraphs 0057-0059 describes that it is a potential client that is identified and that the potential client is identified either by an operator, a website, or through seminars presented by the insurance company. Koko does not teach authentication of the identity of a call party or authentication of the identity of the call party through voice authentication. Therefore, since claims 1, 13, and 23 are amended to include the element of detecting an identification of a device that performed a voice authentication of said identity of said first party and Koko does not teach or enable this element, Koko no longer anticipates claims 1, 13, and 23, the rejection under 102(e) should be removed and the claims allowed.

Koko does not teach or enable responsive to receiving at said context rating service said rating entered by said second party, selecting at least one relevant context rating database for a type of said rating from among a plurality of context rating databases each for storing a separate selection of types of ratings and each accessible to one of said context rating service and a plurality of separate context rating services accessible across said packet switching network and storing said rating by said second party, said identification of said device that performed said voice authentication of said identity of said first party, and said context of said call in association with said identity of said first party to said call in said at least one relevant context rating database

Applicants respectfully assert that Koko does not teach or enable responsive to receiving at said context rating service said rating entered by said second party, selecting at least one relevant context rating database for a type of said rating from among a plurality of context rating

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databases each for storing a separate selection of types of ratings and each accessible to one of said context rating service and a plurality of separate context rating services accessible across said packet switching network and storing said rating by said second party, said identification of said device that performed said voice authentication of said identity of said first party, and said context of said call in association with said identity of said first party to said call in said at least one relevant context rating database because Koko does not teach or enable a plurality of context ratings databases each for storing a separate selection of types of rating and each accessible either to the particular context rating service or to a plurality of separate context rating services accessible across said packet switching network. First, Koko does not teach or enable a context rating service that can access databases accessible only to that context rating service and databases accessible to a plurality of other separate context rating services. Second, Koko does not teach or enable multiple context rating services enabled to share context rating databases across the packet switching network. As previously noted, a service operating outside the trusted telephone network may perform services in reliance upon the device that performed the voice authentication of the identity of the first party. Where a context rating service updates a rating for the first party in a database shared across multiple separate context rating services, also storing the identifier for the device that performed the voice authentication of the first party is particularly advantageous so that the rating record for a first party also includes a record of the devices that performed the authentication of the identity of the first party for each call rating entry added to the databases. Koko does not teach or enable storing a record of the identification of the device that performed the voice authentication of the identity of the first party with a record of the rating assigned to the first party when that rating is stored in one of multiple relevant databases. In view of the foregoing, Koko clearly does not teach or enable at least one element of amended claims 1, 13, and 23 and therefore does not anticipate amended claims 1, 13, and 23. Therefore, because Koko does not anticipate amended claims 1, 13, and 23, Applicants respectfully request removal of the rejection and allowance of claims 1, 13, and 23.

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10/081,014*Claims 9, 10, 21, and 22*

With respect to claim 9, 10, 21, and 22, Applicants respectfully assert that because claims 1 and 13 are not anticipated by Koko, at least by virtue of their dependency of claims 1 and 13, Koko does not teach or enable each element of dependent claims 9, 10, 21, and 22 under 35 U.S.C. §102(e). Because anticipation is not established for claims 9, 10, 21, and 22, Applicants respectfully request allowance of claims 9, 10, 21, and 22.

Claims 5, 6, 7, 17, 18, 19, 27, 28, 29

Because claims 1, 13, and 23 are not anticipated by Koko, at least by virtue of their dependency on claims 1, 13, and 23, Koko does not teach or enable each element of dependent claims 5, 6, 7, 17, 18, 19, 27, 28, and 29 under 35 U.S.C. §102(e). Because anticipation is not established for claims 5, 6, 7, 17, 18, 19, 27, 28, and 29, Applicants respectfully request allowance of claims 5, 6, 7, 17, 18, 19, 27, 28, and 29.

Claims 5, 17, and 27

In addition, with respect to claims 5, 17, and 27, Applicants respectfully assert that Koko does not anticipate the claims as amended and therefore claims 5, 17, and 27 should be allowed.

Claim 5 reads:

5. (Currently Amended) The method for rating a party to a call according to claim 1, wherein storing said rating further comprises:
storing said rating, said identification of said device that performed said voice authentication of said identity of said first party, and said context of said call for accumulation with other ratings for said identity of said first party in said at least one relevant context rating database.

In rejecting claim 5, the Examiner states: "Koko et al. teaches storing previous client history and data together, wherein such data could include, as discussed above, agent rankings regarding the client's ease of sale, past complaints, location, etc. (P. 4, ¶ 0046)." [Office Action, p. 4]

Regardless of whether the Examiner's assertion is correct, Applicants amend claim 5, 17, and 27 to clarify that the rating and identification of the device that performed the voice authentication of the identity of the first party is accumulated with other ratings previously stored with the

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identity of the first party across at least one of multiple context rating databases. As previously asserted, Koko does not teach or enable storing both the rating and the identification of the device that performed the voice authentication of the identity of the first party for which a rating is stored. Therefore, because Koko does not teach or enable at least one element of claims 5, 17, and 27, Applicants respectfully request allowance of claims 5, 17, and 27 which are no longer anticipated by Koko.

Claims 6, 18, and 28

In addition, with respect to claims 6, 18, and 28, Applicants respectfully assert that Koko does not anticipate the claims as amended and therefore claims 6, 18, and 28 should be allowed.

Claim 6 reads:

6. (Currently Amended) The method for rating a party to a call according to claim 1, further comprising:
detecting, at said context rating service, an identity of said second party to said call with an identification of a second device that performed a voice authentication of said identity of said second party;
selecting said at least one relevant context rating database for storage of said rating in association with said second party from among said plurality of context rating databases; and
storing said rating by said second party of said first party and said identification of said second device that performed said voice authentication of said identity of said second party in association with said identity of said second party in said at least one relevant context rating database.

In rejecting claim 6, the Examiner states: "Koko et al. teaches storing the above-discussed rankings in association with the second party, i.e. using the stored client rankings to group and classify agents suitable for serving the client for example, the matching of client and agent being the claimed association. (P. 4, ¶ 0045-0046) Koko et al. also teaches that client responses/rankings as well as agent's responses/rankings/reports may both be stored or associated with the client's record, not only client rankings with client records and agent rankings with agent records. (P. 6, ¶ 0067-0068, ¶ 0073)." [Office Action, p. 4] Regardless of whether the Examiner's assertion is correct, Applicants amend claims 6, 18, and 28 to teach that the context rating service detects an identity for the second party with an identification of the device

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that performed a voice authentication of the identity of the second party, the context rating service selects a relevant context database from among the plurality of context rating databases accessible either to the particular context rating service or multiple separate context rating services, and that the rating by the second party of the first party is stored in the relevant context rating database in association with the identity of the second party and with the identification of the device that performed the voice authentication of the identity of the second party. As previously asserted with reference to claims 1, 13, and 21, Koko does not teach or enable the amended elements, and in particular does not teach or enable detecting a caller identity with an identification of a device that performed the voice authentication of the identity of the caller, selecting a relevant context rating database from among a plurality of context rating databases each for storing a separate selection of types of ratings and each accessible to one of the context rating service and multiple separate context rating services, or storing the rating with the identification of the device that performed the voice authentication of the identity of the caller. Therefore, because Koko does not teach or enable at least one element of claims 6, 18, and 28, Applicants respectfully request allowance of claims 6, 18, and 28 which are no longer anticipated by Koko.

Claims 7, 19, and 29

In addition, with respect to claims 7, 19, and 29, Applicants respectfully assert that Koko does not anticipate the claims as amended and therefore claims 7, 19, and 29 should be allowed.

Claim 7 reads:

7. (Currently Amended) The method for rating a party to a call according to claim 1, further comprising:
selecting said at least one relevant context rating database from among said plurality of context rating databases for storage of said rating in association with said context of said call, wherein said context comprises a separate identifier of a type of each of a first telephony device used by said first party and a second telephony device used by said second party, a separate location of each of said first telephony device and said second telephony device, and a subject of said call.
~~storing said rating by said second party of said first party in association with a context of said call.~~

In rejecting claim 7, the Examiner refers to the rejections of claims 5 and 6 and notes
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that context of a call may be read as identity of either the agent or client, which then would make the storage of rankings in association with a client's or agent's identity inherent inasmuch as the different clients and agents in the client and agent record databases would have to be differentiated by identity or else storing such rankings would be useless. Moreover, certain clients depending on certain rankings could be slated for client feedback and are in turn, placed in a client list 156, indicating context for call interpreted in a different manner. (P. 3, ¶ 0031 – P. 4, ¶ 0043). [Office Action, p. 4]

Regardless of whether the Examiner's assertion is correct, Applicants amend claims 7, 19, and 29 to teach that the context rating service selects the relevant context rating databases based on the context of the call and to clarify that the context of the call includes identifiers for the types of telephone devices used by the first and second caller, a location of each telephony device, and the subject of the call. The specification supports the amendment throughout and in particular in paragraphs 0030, 0097-0108, 0132, 0133, 0137, 0142, and 0143. Koko does not teach or enable the amended elements of a context that indicates the types of telephony devices used in the call or the location of each device. In addition, as previously asserted, Koko does not teach or enable selecting a relevant context database from among the plurality of context rating databases described in claims 1, 13, and 23. Therefore, because Koko does not teach or enable at least one element of claims 7, 19, and 29, Applicants respectfully request allowance of claims 7, 19, and 29 which are no longer anticipated by Koko.

Claims 30, 33, 36, 37, 40-42, and 45-47

With regard to claims 30, 33, 36, 37, 40-42, and 45-47 the Examiner cites the rejection of claims 1 and 7. [Office Action, p. 5] In addition, the Examiner notes:

that the rankings and scores given by clients and/or agents are used by other personnel, read as the claimed subsequent and independent party, for following up with a client or in defending a company against a client, as well as a monitoring module 125 which is used for rating, grouping, matching agents, etc. reading on the claimed party to at least one portion of the context of the call.

Of course, such ranking must be retrievable in order for it to be utilized as discussed already. And if such information is retrievable, it is inherently output at some point. Also, controlling its output is inherent because in one sense, such information would not be output for anyone to hear or see inasmuch as some of the above-discussed information may be sensitive and only useful to agents or the

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company or system that desires to perform the monitoring. Interpreted differently, controlling output must be done inasmuch as Koko et al. teaches utilizing a plurality of communication method including standard voice telephony, email, live chat over IP, voice over IP, etc. As such, the system would have to control the output so that the proper method was used. (P. 2, ¶ 0017-0021). [Office Action, p. 5]

Claims 30, 33, and 36

First, with respect to claims 30, 33, and 36, regardless of whether the Examiner's assertions are correct, Applicants have amended claims 30, 33, and 36 to distinguish the invention from Koko and therefore traverse the amended elements in view of Koko. Applicants respectfully assert that Koko does not teach, expressly or inherently, or enable the invention of amended claims 30, 33, and 36 because Koko does not teach or enable at least one of the elements of amended claims 30, 33, and 36.

Independent method claim 30, which is representative of independent system claim 33 and independent computer program product claim 36, with regard to similarly recited subject matter and rejection, reads as follows:

30. (Currently Amended) A method for independent party ratings comprising: monitoring a context of a call by an independent party of said call, wherein said party monitors said context of said call from an independent service via a packet switching network communicatively connected via a secure gateway to said call supported within a trusted telephone network, wherein said context of said call comprises at least one identity of at least one party to said call with at least one identification of a device that performed a voice authentication of said identity;

identifying, at said independent service, a rating for said context for said call assigned by said independent party; and
storing, by said independent service, said rating by said independent party in association with said context in at least one context rating database from among a plurality of context rating databases each accessible to one of said independent service and a plurality of separate services accessible across said packet switching network, wherein said rating is retrievable by a subsequent party to at least one portion of said context of said call.

With regard to the amended elements of monitoring a context of a call by an independent party of said call, wherein said party monitors said context of said call from an independent service via a packet switching network communicatively connected via a secure gateway to said
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call supported within a trusted telephone network, wherein said context of said call comprises at least one identity of at least one party to said call with at least one identification of a device that performed a voice authentication of said identity and identifying, at said independent service, a rating for said call assigned by said independent party the specification supports the amended throughout, and, in particular in Figure 3 and paragraphs 0137.

With regard to the amended element of storing, by said independent service, said rating by said independent party in association with said context in at least one context rating database from among a plurality of context rating databases each accessible to one of said independent service and a plurality of separate services accessible across said packet switching network, wherein said rating is retrievable by a subsequent party to at least one portion of said call is supported throughout the specification and in particular in Figures 8 and 10 paragraphs 0173-0176 and 0188-0189.

Koko does not teach or enable monitoring a context of a call by an independent party of said call, wherein said party monitors said context of said call from an independent service via a packet switching network communicatively connected via a secure gateway to said call supported within a trusted telephone network, wherein said context of said call comprises at least one identity of at least one party to said call with at least one identification of a device that performed a voice authentication of said identity

Koko does not teach or enable monitoring a context of a call by an independent party of said call, wherein said party monitors said context of said call from an independent service via a packet switching network communicatively connected via a secure gateway to said call supported within a trusted telephone network, wherein said context of said call comprises at least one identity of at least one party to said call with at least one identification of a device that performed a voice authentication of said identity because, as previously asserted with reference to claims 1, 13, and 23, Koko does not teach or enable a service that detects an identity of a party to a call with an identification of a device that performed the voice authentication of the identity. In particular, for purposes of security, where a party independent of a call monitors the call from an independent service outside the trusted telephone network supporting the call, it is particularly advantageous for the independent party to receive identities of call parties that also indicates the device that performed the voice authentication of the identity of the party or parties

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to the call. Further, as will be further discussed, receiving the identity and the authenticating device is advantageous when storing ratings assigned by an independent party. Therefore, because Koko does not teach or enable at least one element of claims 30, 33, and 36, Applicants respectfully request allowance of claims 30, 33, and 36 which are no longer anticipated by Koko.

Koko does not teach or enable identifying, at said independent service, a rating for said call assigned by said independent party

Koko does not teach or enable identifying, at said independent service, a rating for said call assigned by said independent party because Koko only describes the caller or callee designating a rating. Applicants note that in the rejection of claim 30, the Examiner asserted “that the rankings and scores given by clients and/or agents are used by other personnel, read as the claimed subsequent and independent party, for following up with a client or in defending a company against a client, as well as a monitoring module 125 which is used for rating, grouping, matching agents, etc. reading on the claimed party to at least one portion of the context of the call.” [Office Action, p. 5] Applicants respectfully note that Koko describes and the Examiner notes that only those ratings by a client or agent participating in the call are recorded. Applicants respectfully assert that claims 30, 33, and 36 refer to a party independent of the call assigning the rating and not to the ratings entered by a client or agent participating in the call. Further, Applicants note that claims 30, 33, and 36 are amended to clarify that the rating is assigned by the independent party and detected by an independent service monitoring a call, but not participating in the call. Therefore, because Koko does not teach or enable at least one element of claims 30, 33, and 36, Applicants respectfully request allowance of claims 30, 33, and 36 which are no longer anticipated by Koko.

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Koko does not teach or enable storing, by said independent service, said rating by said independent party in association with said context in at least one context rating database from among a plurality of context rating databases each accessible to one of said independent service and a plurality of separate services accessible across said packet switching network, wherein said rating is retrievable by a subsequent party to at least one portion of said call

Koko does not teach or enable storing, by said independent service, said rating by said independent party in association with said context in at least one context rating database from among a plurality of context rating databases each accessible to one of said independent service and a plurality of separate services accessible across said packet switching network, wherein said rating is retrievable by a subsequent party to at least one portion of said call because, as previously asserted with reference to claims 1, 13, and 23, Koko does not teach or enable storing the rating in at least one context rating database from among multiple context rating databases accessible to either the service placing the rating or other separate services accessible across the packet switching network. Further, in particular, Koko does not teach or enable an independent service storing the rating, assigned by an independent party of a call, to a context rating database, where the rating by the independent party is then accessible to a subsequent party to at least a portion of the call. Therefore, because Koko does not teach or enable at least one element of claims 30, 33, and 36, Applicants respectfully request allowance of claims 30, 33, and 36 which are no longer anticipated by Koko.

Claims 37, 42, and 47

Second, with respect to claims 37, 42, and 47, regardless of whether the Examiner's assertions are correct, Applicants have amended claims 37, 42, and 47 to distinguish the invention from Koko and therefore traverse the amended elements in view of Koko. Applicants respectfully assert that Koko does not teach, expressly or inherently, or enable the invention of amended claims 37, 42, and 47 because Koko does not teach or enable at least one of the elements of amended claims 37, 42, and 47.

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Independent method claim 37, which is representative of independent system claim 42 and independent computer program product claim 47, with regard to similarly recited subject matter and rejection, reads as follows:

37. (Currently Amended) A method for call party identification comprising:
responsive to sending a request within a trusted telephone network for a rating for a party to a call with an identity for said party and an identifier for a device that performed a voice authentication of said identity for said party,
receiving [[a]] said rating for [[a]] said party to said call at a telephony device enabling said call from said context rating service accessible via a packet switching network communicatively connected via a secure gateway to said trusted telephone network supporting said call; and
controlling, by said telephony device, output of said rating for said party to said call via an output interface of said telephony device.

Koko does not teach or enable responsive to sending a request for a rating for a party to a call with an identity for said party and an identifier for a device that performed a voice authentication of said identity for said party, receiving said rating for said party to said call at a telephony device enabling said call from a context rating service accessible via a packet switching network communicatively connected via a secure gateway to a trusted telephone network supporting said call

First, Koko does not teach or enable responsive to sending a request for a rating for a party to a call with an identity for said party and an identifier for a device that performed a voice authentication of said identity for said party, receiving said rating for said party to said call at a telephony device enabling said call from a context rating service accessible via a packet switching network communicatively connected via a secure gateway to a trusted telephone network supporting said call because Koko does not teach or enable sending a request for a rating that includes the identity for the party and the identifier for a device that performed a voice authentication of the identity of the party. As previously asserted with respect to claims 1, 13, and 23, Koko does not teach or enable a service detecting an identity of a call party that also indicates an identifier for the device that performed a voice authentication of the identity of the call party. Therefore, Koko also does not teach or enable sending a request for a rating that includes an identity of the party to the call and an identifier for the device that performed a voice authentication of the identity of the party. Therefore, because Koko does not teach or enable at

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least one element of claims 37, 42, and 47, Applicants respectfully request allowance of claims 37, 42, and 47 which are no longer anticipated by Koko.

Second, Koko does not teach or enable responsive to sending a request for a rating for a party to a call with an identity for said party and an identifier for a device that performed a voice authentication of said identity for said party, receiving said rating for said party to said call at a telephony device enabling said call from a context rating service accessible via a packet switching network communicatively connected via a secure gateway to a trusted telephone network supporting said call because Koko does not teach or enable a context rating service that distributes ratings to telephony devices. The amendment is supported throughout the specification, and in particular, in Figures 3, 4, 5, 6, and 10 and paragraphs 0097-0109, 0165, and 0166. Koko merely describes that rating information is retrievable, but does not provide a retrieval method, system, or program. While the Examiner concludes first that it is inherent that ratings are retrievable and then that it is inherent that if such information is retrievable it is inherently output and therefore that controlling its output is inherent, Applicants respectfully note that Koko does not in fact describe a method, system, or program for a rating service that receives requests for ratings or responds to those requests. In contrast, paragraph 0165 of the present invention describes that when a call is placed or answered, a request for ratings for one or more parties to the call may be sent within a telephony system and that a context rating service may receive the request for a rating and respond with ratings for a party to the call. Further, paragraph 0166 of the present inventions describes that the ratings are transferred to the caller and the callee telephony devices. Therefore, because Koko does not teach or enable at least one element of claims 37, 42, and 47, Applicants respectfully request allowance of claims 37, 42, and 47 which are no longer anticipated by Koko.

Koko does not teach or enable controlling, by said telephony device, output of said rating for said party to said call via an output interface of said telephony device

Koko does not teach or enable controlling, by said telephony device, output of said rating for said party to said call via an output interface of said telephony device because Koko does not describe a telephony device that controls output of ratings via an output interface. In the

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rejection of claims 37, 42, and 47, the Examiner states that: "Interpreted differently, controlling output must be done inasmuch as Koko et al. teaches utilizing a plurality of communication method including standard voice telephony, email, live chat over IP, voice over IP, etc. As such, the system would have to control the output so that the proper method was used. (P. 2, ¶ 0017-0021). [Office Action, p. 5] Applicants respectfully disagree, however, with the Examiner's assertion that merely because Koko describes that rating information is retrievable that it would be inherent that Koko would teach a "system [that] would have to control the output so that the proper method was used". Further Applicants respectfully assert that it is not the "system" that is controlling the output in the claimed invention, but it is the telephony device requesting and receiving the rating information that then controls output of the rating information via an output interface of the telephony device. Further, Applicants amend claims 37 and 47 to clarify that it is the telephony device that controls output of the ratings via the output interface. Therefore because Koko does not teach or enable a telephony device controlling output of the rating for the party to the call, Koko does not teach or enable at least one element of claims 37, 42, and 47 and Applicants respectfully request allowance of claims 37, 42, and 47 which are not anticipated by Koko.

Claims 40, 41, 45, and 46

Third, with respect to claims 40, 41, 45, and 46, Applicants respectfully assert that because claims 37 and 42 are not anticipated by Koko, at least by virtue of their dependency of claims 37 and 42, Koko does not teach or enable each element of dependent claims 40, 41, 45, and 46 under 35 U.S.C. §102(e). Because anticipation is not established for claims 40, 41, 45, and 46, Applicants respectfully request allowance of claims 40, 41, 45, and 46.

Lack of Obviousness

Claims 2-4, 8, 11, 12, 14-16, 20, 24-26, 31, 32, 34, and 35

Claims 2-4, 8, 11, 12, 14-16, 20, 24-26, 31, 32, 34, and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Koko in view of Bala (US Patent 6,798,876).

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First, Applicants respectfully assert that claims 2-4, 8, 14-16, 20, 24-26, 31, 32, 34, and 35 are dependent claims of independent claims 1, 13, 23, 30, and 33, which are not longer anticipated by Koko. Therefore, Applicants respectfully request allowance of claims 2-4, 8, 14-16, 20, 24-26, 31, 32, 34, and 35 by virtue of the dependence upon allowable independent claims 1, 13, 23, 30, and 33.

Second, Applicants note that claims 3, 15, 25, 32 and 35 are amended in view of the amendments to claims 1, 13, and 23 and, in particular, amended to maintain proper antecedent basis in view of the amendments to claims 1, 13, and 23.

Third, Applicants note that claim 11 is canceled.

Fourth, with respect to the rejection of claim 12 under 103(a), the rejection is respectfully traversed. In particular, the Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Regardless of whether the Examiner's previous assertions are correct, in view of the amendments to claim 12, prima facie obviousness is no longer established.

Claim 12 reads:

12. (Currently Amended) A method for identifying a party to a call comprising:

detecting, at a particular context rating service from among a plurality of separate context rating services accessible via a packet switching network communicatively connected via a secure gateway to a call supported within a trusted telephone network, an identity of a first party to [[a]] said call with an identification of a device that performed a voice authentication of said identity of said first party;

compiling, at said particular context rating service, a current rating for said first party according to previous ratings for said first party retrieved from at least one from among a plurality of context databases each comprising at least one previous rating entry associated with said identity of said first party and stored by at least one from among said plurality of separate context rating services, wherein said plurality of context databases are each accessible to one of said particular context rating service only and separate selections of said plurality of separate context rating services; and

controlling output of said current rating to a second party to said call.

In the rejection of claim 12, the Examiner states that Koko does not explicitly teach "compiling ratings." [Office Action, p. 8] The Examiner further states that

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Koko et al. teaches the use of success rates of agents and ranking clients based on past history as already discussed above. A "rate" cannot be one instance of a ranking for example or at least will not have much meaning. Only when a plurality of rankings is compiled, thus resulting in a pattern or rate, will a rate have meaning. Also, past history as well will not have much meaning unless the history as a whole can be compiled. Moreover, compiling ratings is notoriously old and well known in call center arts as well as any monitoring or ranking situation and thus doing so would have been obvious to one of ordinary skill in the art at the time the invention was made. [Office Action, p. 8]

In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). The Examiner identifies the only element of claim 12 not taught by Koko as "compiling ratings." Applicants respectfully assert that as amended, as previously asserted with reference to claims 1, 13, and 23, Koko did not teach or enable, and Koko also does not teach or suggest the elements of detecting at a particular context rating service from among a plurality of separate context rating services an identity of a first party to a call with an identification of a device that performed a voice authentication of the identity of the first party. Additionally, Applicants respectfully assert that even if compiling ratings is well known in the art and would have been obvious to one of ordinary skill in the art at the time the invention was made, Koko does not teach or suggest the element of a context rating service that compiles previous ratings accessed from context databases that are either accessible to only the context rating service or to selection of multiple separate context rating services and where the context databases include ratings previously stored by the multiple separate context rating services. Therefore because Koko does not teach or suggest at least one element of claims 12, Applicants respectfully request allowance of claims 12 which is not obvious in view of Koko.

Claims 38, 39, 43 and 44

Claims 38, 39, 43, and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Koko in view of Unger et al. (US Patent 6,650,736). Claims 38, 39, 43, and 44 are canceled in view of amendments to claims 37 and 42.

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Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims are respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,

 in 10/1/05

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